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U.S. DEFENSIVE OPERATIONS AGAINST LIBYA AND THE NUCLEAR ACCIDENT AT CHERNOBYL

HF199 .A1

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

SECOND SESSION

ON

H. Res. 424
AND
H. Res. 440

MAY 1, 1986

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U.S. DEFENSIVE OPERATIONS AGAINST LIBYA AND THE NUCLEAR ACCIDENT AT CHERNOBYL

THURSDAY, MAY 1, 1986

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C.

The committee met in open markup session at 11:45 a.m., in room 2172, Rayburn House Office Building, Hon. Dante B. Fascell (chairman) presiding.

Chairman FASCELL. The full committee will come to order.

The committee will stand in recess until immediately after this rollcall.

[Recess.]

HOUSE RESOLUTION 424—THANKING THE UNITED KINGDOM

Chairman FASCELL. The committee will come to order.

We meet today to consider three pending resolutions. The first order of business is the consideration of House Resolution 424, expressing the gratitude of the American people for the assistance provided by the government of the people of the United Kingdom during the operations carried out against Libya on April 14, 1986.

The resolution was introduced on April 17 by Mr. Skelton of Missouri, Mr. Rowland of Connecticut, and 230 current cosponsors.

The resolution simply states that the House of Representatives, on behalf of the people of the United States, expresses gratitude to the government and the people of the United Kingdom who resolutely assisted the United States in the legitimate exercises of self-defense in the fight against state-sponsored international terrorism.

The resolution also directs the Clerk of the House to transmit a copy of the resolution to the United Kingdom's Ambassador to the United States.

I believe the resolution itself is self-explanatory. It is appropriate. I urge its adoption.

The gentleman from New York, Mr. Gilman.

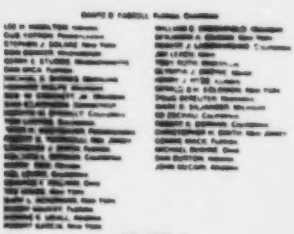
Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Chairman, this resolution, which I have cosponsored, was introduced, as you noted, by the gentleman from Missouri, Mr. Skelton and the gentleman from Connecticut, Mr. Rowland, immediately after the United States raid on Libya, and expresses the gratitude of our Nation for Britain s assistance to our Government with respect to that raid.

On behalf of Mr. Hamilton, chairman of the Subcommittee on Europe and the Middle East, and myself, I would like to submit a letter, Mr. Chairman, waiving the subcommittee's right to act on the resolution due to the extreme time urgency of this matter, and would like to ask unanimous consent that the letter be entered into the record at this point.

Chairman FASCELL. Without objection, so ordered.

[The letter of Mr. Gilman follows:]



Congress of the United States
Committee on Foreign Affairs
House of Representatives
Washington, DC 20515

May 1, 1986

The Honorable Dante B. Fascell
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

H.Res. 424, a resolution to express the gratitude of the American people for the assistance provided by the Government and people of the United Kingdom during defensive operations carried out against Libya on April 14, 1986 and a resolution introduced by Congresswoman Oakar dealing with the nuclear accident at Chernobyl in Ukraine are pending before the Committee. H.Res. 424 has been referred to the Subcommittee.

We have canvassed several members of the Subcommittee and they have no objection to the consideration of these resolutions by the full committee. Given the timeliness of these resolutions, we hope you can expedite their consideration and have no objection to their coming directly before the full Committee for consideration.

We appreciate your help on these matters.

With best regards,

Sincerely yours,

Lee H. Hamilton
Chairman
Subcommittee on Europe
and the Middle East

Benjamin A. Gilman
Ranking Minority Member
Subcommittee on Europe
and the Middle East

Mr. GILMAN. Mr. Chairman, we did not have to have the use of British bases in our raid on Libya. We could have carried out the entire raid from our carriers, but there would likely have been a greater loss of civilian life, to less accurate bombing systems, and probably greater military casualties as well.

The willingness of the British to cooperate with us at real risk to their own people shows their solidarity with us in our fight against terrorism. It is only fitting, therefore, Mr. Chairman, that we express our gratitude to the British Government and to its leader, Margaret Thatcher, in the form of this resolution.

Accordingly, I urge my colleagues to support the resolution.

Chairman FASCELL. Mr. Weiss.

QUESTIONS ABOUT THE RAID ON LIBYA

Mr. WEISS. Thank you very much, Mr. Chairman.

It is easy to express hatred toward Mu'ammar Qadhafi because in fact he is a hateful individual who authorizes and engages in hateful activities.

At the same time, it seems to me that when we make a determination to fight terrorism that at least as national policy we ought to recognize that just reacting out of a sense of justifiable anger and frustration may not necessarily serve the cause of antiterrorism. It seems to me that Mu'ammar Qadhafi's prestige, if anything, was elevated certainly within his own country and probably within the Arab world, at least to the extent that they felt more of a requirement to be publicly supportive of him than they were before our attack. So I am not sure that if the aim was to reduce Qadhafi's influence or prestige that that was achieved.

I think also that obviously when an act such as the bombing took place, the intention was to try to provide greater protection for American citizens and civilians of all nationalities from acts of terrorism. But it seems to me that with probably at least a half million Americans abroad at any one time, in and out of uniform, this kind of action toward a head of government, who is irrational in his behavior by our own description, is likely to make our citizens much more vulnerable to additional acts of terrorism.

I think that there is a way of fighting terrorism. I think that the action which we took in forcing down the Egyptian plane which carried the hijackers of the *Achille Lauro* was a fine example of how you can be effective in what you do.

It is difficult in this kind of resolution to separate out expressions of gratitude from approval of the act itself. Having raised some very serious questions about the effectiveness of the attack and the concept behind it, for the reasons that I have outlined, I find it very hard to vote for this kind of resolution.

CONSULTATIONS WITH CONGRESS UNDER THE WAR POWERS RESOLUTION

I would like to mention one further point, Mr. Chairman. There have been some very serious questions raised, and you were among those who raised them in connection with this bombing or the other earlier bombings, of Congress being bypassed in the process of military action undertaken by the President with no adherence to either the Constitution or the War Powers Resolution.

It seems to me that to call in a handful of Members of the leadership of Congress when the planes are in the air and say to them, OK, now we are telling you that this action is under way, to consider that as a consultation, I think really is almost incredible.

Chairman FASCELL. Will the gentleman from New York yield?

Mr. WEISS. I will be pleased to.

Chairman FASCELL. The gentleman has raised a very valuable point. I have commented on that.

I will say to the gentleman the Subcommittee on Arms Control, International Security and Science has already held two hearings on that subject. The latest hearing was just this morning. We had two outstanding constitutional lawyers discussing both the constitutional question and the statutory question. We will hold further hearings.

I am not sure at what point we will have before the subcommittee the sponsors of resolutions which take an opposite position, that of granting the President a broad delegation of authority.

I would suggest, because of the gentleman's strong feeling on the subject, that he think about the possibility of testifying in those hearings.

Mr. WEISS. I appreciate the invitation and I will take the chairman up on it.

I think it is very worthwhile doing, but again, it seems to me that is a serious, continuing concern to Members of Congress and indeed to the American people who depend on the Constitution.

Then, finally, I am not sure that article 51 of the United Nations Charter clearly sanctions this kind of action as being really the kind of self-defense that is intended by that particular provision.

So for all of those reasons, I simply wanted to express the reasons why I could not support this resolution.

Chairman FASCELL. I thank the gentleman.

Is there any further discussion on the resolution?

Mr. GILMAN. I move the resolution, Mr. Chairman.

Chairman FASCELL. The question is on the adoption of the resolution. All those in favor signify by saying "aye"; all those opposed, "no."

The ayes have it. The resolution is agreed to.

HOUSE RESOLUTION 440—NUCLEAR ACCIDENT AT CHERNOBYL

The next order of business, which is House Resolution 440. It is a resolution expressing the sense of the House of Representatives concerning the nuclear accident at Chernobyl nuclear facility in the Soviet Ukraine, which was introduced on April 30, 1986, by Congresswoman Oakar of Ohio and Congressman Walker of Pennsylvania. It is a new version of the resolution on which Mr. Walker had almost 200 signatures.

The resolution conveys the sympathy of the American people to the people of the Ukraine, especially the families of the victims, calls upon the Soviet Union to facilitate direct channels of communication to allow family relatives to receive word about the fate of family members, supports the offer of the United States Government to provide technical and medical assistance, calls upon the Soviet Government to allow the American people to provide assist-

ance to the accident victims and their families by facilitating prompt delivery of packages, calls on the Soviet Government to facilitate the furnishing of technical and international assistance by international organizations and deplores the Soviet Union's failure to provide the world with timely notification and information on the accident, and calls on the Soviet Government to permit international press coverage so that the world may be assured of complete and accurate information.

Now, I intend to offer an amendment at the proper point calling on the President to seek the establishment in the International Atomic Energy Agency of a quick response mechanism to such accidents modeled after the system established by the Nuclear Regulatory Commission.

The Chair now recognizes Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I appreciate the Chair taking this matter up in such a timely fashion and on behalf of Mr. Hamilton, the chairman of the Europe and Middle East Subcommittee and myself, again, I submit a copy of this letter for our record waiving our subcommittee's right to act on the resolution due to the time urgency of this matter.

I would like to ask consent the letter be entered in the record.

Chairman FASCELL. Without objection, so ordered.[1]

Mr. GILMAN. To turn to the subject of the resolution, it certainly appears, despite Soviet denials, that there is a major disaster at the Chernobyl reactor in the Ukraine. The people of our Nation certainly extend our sympathy to the Ukrainian people with regard to the loss of life and damage to health which has occurred.

This resolution, which was introduced by the gentlelady from Ohio, Mrs. Oakar, along with the gentleman from Pennsylvania, Mr. Walker, and the gentlewoman from Ohio, Ms. Kaptur, expresses our sympathies and our hope that the Soviet and Ukrainian Governments will allow aid by our Government and private citizens to be supplied to the Kiev area.

The resolution also expresses the sense of the House the Ukrainian and Soviet Governments facilitate direct channels of communication to allow relatives to receive word about the fate of family members, whether residents there or tourists.

Several groups of New York students, for example, were in Kiev and other parts of the Soviet Union this week and their parents understandably were very much concerned and were unable to reach them.As a matter of fact, Mr. Chairman, I hope to meet one of those groups later on this afternoon that is on their way back home. Nor did they receive very accurate information from their Intourist guides about what was happening around them.

Finally, Mr. Chairman, the resolution deplores the Soviet Union's failure to provide the world with notification of information about this nuclear accident, and it calls upon that government to permit the international press to cover the situation freely.

Mr. Chairman, I hope the resolution will be supported by the members present.

Thank you, Mr. Chairman.

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[1] See p. 3.

Chairman FASCELL. I have an amendment at the desk and the clerk will report the amendment, please.

AMENDMENT ON IAEA RESPONSE MECHANISM

Mr. BRADY. Amendment offered by Mr. Fascell: Strike out at the end of paragraph 5 and strike out "and" the period at the end of paragraph 6, and insert in lieu thereof "and," and after paragraph 6, insert the following: (7) calls upon the President to take appropriate steps to establish in the International Atomic Energy Agency, a mechanism for an automatic, immediate response by agency, technical personnel, including onsite visits and monitoring, to any nuclear accidents posing a significant threat to the public health and safety."

Chairman FASCELL. Since both countries are signatories to the IAEA voluntary standards and guidelines, and since this would take an agreement to make that possible, I think it is a good step if the United States takes the lead in seeing if we can't get in the International Atomic Energy Agency a quick response system, technicians, et cetera, as we now have with our own Nuclear Regulatory Commission.

Mr. GILMAN. Mr. Chairman, I accept the amendment without objection.

Chairman FASCELL. Any further discussion?

Mr. Weiss.

Mr. WEISS. Mr. Chairman, I support the chairman's amendment. I think that it is very well advised and that it underscores the point that, although at this point the focus is on the Soviets' apparently cavalier attitude toward the safety concerns that ought to govern the operation of nuclear powerplants, they are not alone. When we had the Three Mile Island incident in the United States, our nuclear power industry, and indeed our Government officials at the NRC, attempted in this same kind of way to keep the public reassured falsely as to what the situation was.

So I find the chairman's amendment at least indicates that our concern is not just with the Soviets coming clean and leveling, but that any nuclear accident anywhere in the world really ought to be subject to that kind of immediate public inquiry by the appropriate agencies.

Chairman FASCELL. I thank the gentleman.

Any further discussion on the amendment? If not, the question is on the adoption of the amendment. All those in favor signify by saying "aye" all opposed, "no."

The ayes have it. The amendment is agreed to.

There are more amendments to this particular resolution so we will have to come right back after the vote. Then we have one other resolution that must be disposed of today.

[Recess.]

Chairman FASCELL. We are going to defer consideration of the pending resolution until Mr. Gilman, who has reserved amendments, returns.

[Whereupon the committee proceeded to other business.]

HOUSE RESOLUTION 440—AMENDMENTS BY MR. GILMAN

We will now return back to the consideration of House Resolution 440.

The gentleman from New York, Mr. Gilman.

Mr. GILMAN. Mr. Chairman, I have two amendments at the desk. I would like to have them reported en bloc.

Chairman FASCELL. Without objection, the resolutions will be considered en bloc and, while they are being distributed, without objection the reading of the amendments will be dispensed with, printed in the record in full, and the gentleman from New York is recognized to explain the amendments.

[House Resolution 440 follows:]

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CHERNOBYL

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99TH CONGRESS
2D SESSION

H. RES. 440

IN THE HOUSE OF REPRESENTATIVES

Ms. OAKAR (for herself, Mr. WALKER, and Ms. KAPTUR) submitted the following resolution; which was referred to the Committee on FOREIGN AFFAIRS

RESOLUTION

Expressing the sense of the House of Representatives concerning the nuclear accident at the Chernobyl nuclear facility in Ukraine.

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CHERNOBYL

Whereas on or about April 26, 1986, a catastrophic accident occurred at the nuclear powerplant at Chernobyl, sixty miles north of Kiev in Ukraine;

Whereas Soviet authorities made no efforts to inform neighboring countries of the accident, preventing them from offering warning and a measure of protection for their citizens;

Whereas this accident has resulted in significant loss of life;

Whereas large numbers of people have sustained serious injuries;

Whereas Americans with relatives in the Kiev area are anxious over the fate of their family members; and

Whereas this accident could result in longstanding technical, medical, and environmental problems: Now, therefore, be it

Resolved, That the House of Representatives--

(1) conveys the sympathy of the American people to the people of Ukraine, especially to the families of victims;

(2) calls upon the Government of the Ukrainian Soviet Socialist Republic and the Government of the Soviet Union to facilitate direct channels of communication to allow relatives to receive word about the fate of family members;

(3) supports the offer of the United States Government to provide technical and medical assistance to help authorities in Ukraine cope with the tragedy;

(4) calls upon the Government of the Ukrainian Soviet Socialist Republic and the Government of the Soviet Union to allow the American people to provide material and moral assistance to the accident victims and their families by facilitating the prompt delivery of packages;

(5) calls upon the Government of the Ukrainian Soviet Socialist Republic and the Government of the Soviet Union to facilitate the furnishing of technical and humanitarian assistance by appropriate international organizations in order to address the immediate problems and develop cooperative strategies for the future consideration of this problem that has international ramifications; and

(6) deplores the Soviet Union's failure to provide the world with notification of and information about the nuclear accident at Chernobyl, and calls upon the Government of the Ukrainian Soviet Socialist Republic and the Government of the Soviet Union to permit the international press to cover the situation freely so that the world may be assured of complete and accurate information.

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Mr. GILMAN. Mr. Chairman, these are very simple amendments. The whereas clause has been amended to include neighboring countries and countries in Europe and other parts of the world that are affected by the accident.

Also, the whereas clause is amended to read that, whereas neighboring European nations have reported high levels of nuclear radiation as a result of the accident at Chernobyl, which may have potential adverse, long-term effects.

It also adds a provision in title 5 expressing its concern and support for those nations in Europe that have experienced nuclear radiation from the Chernobyl accident and with regard to the packages that are set forth on page 3, line 5, it modifies that by making them humanitarian packages.

I think these amendments are important so that we speak to the concerns of all our friends in Europe and not just to neighboring countries and it makes certain we take care of the relative concerns about sending over humanitarian material.

A further amendment adds a paragraph 7 similar to your concerns, Mr. Chairman, calling upon the Soviet Union to permit the International Atomic Energy Agency to conduct an investigation of the cause of the nuclear accident at Chernobyl and to share that result of that investigation with other nations of the world in order to assess the safety and reliability of the reactor design and operation.

Chairman FASCELL. Is there any discussion of the amendment?

Mr. GILMAN. I urge my colleagues to support them.

Chairman FASCELL. The question is on the adoption of the amendments. All those in favor signify by saying "aye" all those opposed, "no."

The ayes have it. The amendments are agreed to.

The question is on the adoption of the resolution as amended. All those in favor signify by saying aye; all those opposed, no.

The ayes have it. The amended resolution is agreed to; appropriate action will be taken for the two resolutions acted on today to be brought up on the floor.

APPENDIX 1

IV

99TH CONGRESS
2D SESSION

H. RES. 424

To express the gratitude of the American people for the assistance provided by the Government and people of the United Kingdom during defensive operations carried out against Libya on April 14, 1986.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1986

Mr. SKELTON (for himself and Mr. ROWLAND of Connecticut) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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RESOLUTION

To express the gratitude of the American people for the assistance provided by the Government and people of the United Kingdom during defensive operations carried out against Libya on April 14, 1986.

Whereas the rising tide of state-sponsored international terrorism constitutes a direct threat to the security of the United States and its European allies;

Whereas American and European civilians and military personnel have recently been victims of terrorist acts directed by the Government of Libya;

Whereas the Government of the United States possessed incontrovertible evidence that further Libyan-planned and supported terrorist acts against American nationals and installations were imminent;

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Whereas article 51 of the United Nations Charter unequivocally sanctions the use of military force in self-defense, collectively as well as by individual members;

Whereas on April 14, 1986, naval and air forces of the United States conducted defensive operations against Libyan military bases and terrorist training facilities in order to prevent those imminent terrorist attacks;

Whereas the Government of the United States sought the permission of the Government of the United Kingdom to allow United States Air Force F–111 bombers stationed in Great Britain to participate in those defensive operations;

Whereas the Prime Minister of the United Kingdom granted that permission;

Whereas the use of the F–111 bombers substantially reduced the risk to American servicemen and significantly contributed to the success of their mission; and

Whereas such exemplary cooperation as that extended by the Government of the United Kingdom in this instance is necessary to effectively combat terrorism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) on behalf of the people of the United States expresses gratitude to the Government and people of the United Kingdom who resolutely assisted the United States in the legitimate exercise of self-defense and the fight against state-sponsored international terrorism; and

(2) directs the Clerk of the House to transmit a copy of this resolution to the United Kingdom's Ambassador to the United States.

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APPENDIX 2

IV

99TH CONGRESS
2D SESSION

H. RES. 440

Expressing the sense of the House of Representatives concerning the nuclear accident at the Chernobyl nuclear facility in Soviet Ukraine.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1986

MS. OAKAR (for herself and Mr. WALKER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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RESOLUTION

Expressing the sense of the House of Representatives concerning the nuclear accident at the Chernobyl nuclear facility in Soviet Ukraine.

Whereas on or about April 26, 1986, a catastrophic accident occurred at the nuclear powerplant at Chernobyl, sixty miles north of Kiev in Soviet Ukraine;

Whereas Soviet authorities made no efforts to inform neighboring countries of the accident, preventing them from offering warning and a measure of protection for their citizens;

Whereas there has been an apparent massive loss of life;

Whereas large numbers of people have sustained serious injuries;

Whereas Americans with relatives in the Kiev area are anxious over the fate of their family members; and

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Whereas there will be longstanding technical, medical, and environmental problems associated with the accident: Now, therefore, be it

Resolved, That the House of Representatives—

(1) conveys the sympathy of the American people to the people of Ukraine, especially to the families of victims;

(2) calls upon the Government of the Ukrainian Soviet Socialist Republic and the Government of the Soviet Union to facilitate direct channels of communication to allow relatives to receive word about the fate of family members;

(3) calls upon the Government of the Ukrainian Soviet Socialist Republic and the Government of the Soviet Union to permit the international press to cover the situation freely so that the world may be assured of complete and accurate information;

(4) calls upon the Government of the Ukrainian Soviet Socialist Republic and the Government of the Soviet Union to allow the American people to provide material and moral assistance to the accident victims and their families by facilitating the prompt delivery of packages;

(5) supports the offer of our Government to provide technical and medical assistance to help authorities in the Ukraine cope with the tragedy; and

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(6) calls upon the Government of the Ukrainian Soviet Socialist Republic and the Government of the Soviet Union to facilitate the furnishing of technical and humanitarian assistance by appropriate international organizations in order to address the immediate problems and develop cooperative strategies for the future consideration of this problem that has international ramifications.

(7) *Resolved*, That the House of Representatives deplores the Soviet Union's failure to provide the world with notification and information about the nuclear accident at Chernobyl, a catastrophe with implications for many of the world's nations, particularly those who are Soviet neighbors.

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